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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,693	01/28/2002	Darryl Richard Schick	122185.100B	4085

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT PAPER NUMBER

2628

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,693

Applicant(s)

SCHICK ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 6, 8- 15 and 32- 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 6, 8- 15 and 32- 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 8-10, 32 and 36- 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 6 line 9 recites "...receive second input from the user...". It is unclear whether the prior step (step d) is the first input and if so these receiving steps are in chronological order.

As per claims 37- 38 line 1 recites "...instructions capable of instructing...". It is unclear whether any instructing is being performed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 6, 8- 15 and 32- 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of Schwab et al (US PAP 2004/ 0250083), hereinafter, Schwab.

As per claims 1, 6, 11, 32, 34, 37, 38 and 40 and as to the broadest reasonable interpretation by examiner, Geigel teaches Inputting a group of images for which corresponding image files are available see for example page 5 paragraph [0077] for the inputting collection of images that are placed in an album; and displaying on a first display device, to a user, the group of images for which corresponding images are available see for example the abstract, figure 1 and page 5 paragraph [0077] through the use of album pages; and receiving user input from the user by which the user selects one or more images form the group see for example page 1 paragraph [0010] for assigning image objects to a page based on user preferences and page 3 paragraph [0056] for the user specified preferences; and prompting the user to select a plurality of images from the group see for example page 1 paragraph [0010] for selection based on user preferences; and prompting the user to save the selected images as an album of images see for example page 3 paragraph [0056]; and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078]; and making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example page 4 paragraph [0061]; and saving, to the storage medium, the compressed image file copies that correspond to the selected images see for example figure 1 module 56

and page 3 paragraph [0057]; and making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

However, Geigel does not teach compressing the image file copies, and the album is for viewing on a second display device different than the first display device and receive second input from the user indicating a preferred order of display for the selected images as a slideshow, and processing the image file copies to tailor the selected images according to one or more display characteristics of the second display device.

Schwab teaches compressing the image file copies see for example paragraph [0043] and [0069] for image compression and JPEG format; the album is for viewing on a second display device different than the first display device and receive second input from the user indicating a preferred order of display for the selected images as a slideshow see for example paragraph [0077] and [0087] for the sequential and predetermined displaying of text and image information corresponding to preferred order of display for the selected images as a slideshow and VGA to NTSC or PAL conversion corresponding to different display types; processing the image file copies to tailor the selected images according to one or more display characteristics of the second display device see for example paragraph [0077] for the safe action area

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corresponding to the processing according to the display characteristics of the second display device.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Schwab into Giegel to provide conversion different display formats and compression of images using advanced image data compression to provide realistic image rendition and rapid communication response time and therefore make and use the device according to the latest state of the art technology see for example paragraph [0010].

As per claims 2, and 12 Geigel teaches making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile (index of fig. 11) representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

As per claims 3, 8, and 13 Schwab teaches automatically resize the one or more image file copies so that the one or more selected images, when displayed, will have a resolution not exceeding a resolution required for optimal viewing on the second display device see for example paragraph [0069].

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more modifications to any of the selected images see for example page 1 paragraph [0010] wherein user implements preferences to images; and automatically adjust one or more

of the image file copies to include one or more modifications see for example page 3 paragraph [0054] and page 4 paragraphs [0059- 0061] wherein automatic page distribution and duplicate detection is performed; and in the saving step, ensuring that the adjusted image file copies are saved as compressed adjusted image file copies see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of the system by a particular user is done through implementation of user preferences through album automation system and page 4 paragraph [0059] wherein a page layout algorithm must distribute the images amongst a set of pages and then layout the images on each individual page which corresponds to adjusted image file copies as being saved as compressed adjusted image file copies on each individual page.

As per claims 5, and 10 Geigel teaches saving, to the storage medium, a file that contains parameters of the album, wherein the file allows a user to automatically recreate the album for further duplication or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein implementation of user preferences is done through album automation system which can be repeated by subsequent use of the system and the output can be produced on variety of photo delivery media e.g. picture CD media.

As per claim 15 Geigel saving, to the storage medium, a link that allows a user to view the image files that are stored on the storage medium as an album of images see for example claim 2 on page 12.

As per claims 33, 36 and 39 Schwab teaches the first display device is a computer monitor and the second display device is a TV screen see for example paragraph [0077].

As per claims 35 and 41 Schwab teaches the second display has an aspect ratio (inherent to NTSC or PAL), and wherein the processing of the image file copies comprises, for each of one or more of the selected images, adding fill space up to the aspect ratio of the second display device see for example paragraph [0077] the space unused at the sides and the bottom of the screen.

Response to Arguments

Applicant's arguments with respect to claims 1- 6, 8- 15 and 32- 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAP 2002/ 0056082.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

February 17, 2006



Kee M. Tung
Primary Examiner